

From: [Fajardo, Juan](#)
To: [Larry Silver](#)
Cc: [Flanagan, Sarah](#)
Subject: RE: Letter Sent Out
Date: Tuesday, December 12, 2017 12:26:29 PM
Attachments: [Response to James Stewart's 12.8.2017 letter.docx](#)

No trouble at all. Note that the letter is not from Eric Wilson.

From: Larry Silver [mailto:lsilver@lssh-law.com]
Sent: Tuesday, December 12, 2017 12:22 PM
To: Fajardo, Juan <Fajardo.Juan@epa.gov>
Subject: Letter Sent Out

Hi Juan,

I understand from other counsel on the Passaic that Eric Wilson sent a letter out to day to at least some of the PRPs.

Could I trouble you for a copy?

Larry Silver
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James Stewart, Partner
Lowenstein Sandler
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Roseland, NJ 07068

Re: Allocation for Operable Unit 2 Remedial Action
Diamond Alkali Superfund Site

Dear Mr. Stewart:

Thank you for your letter of December 8, 2017. The U.S. Environmental Protection Agency (EPA) understands that some of the parties participating in the allocation for Operable Unit 2 (OU2) of the Diamond Alkali Superfund Site (Site) are seeking to have the allocation “augmented.” The memorandum attached to your December 8 letter highlights three aspects of the allocation that the parties you write on behalf of are seeking to have augmented: Database of Documents; Participation and Input into the Allocation Decision; and Off Ramp. As you may know, Mr. David Batson has raised these concerns, as well as others, with EPA and the Region is carefully considering augmenting the allocation process. We expect to notify the allocation parties in the near future of EPA’s decision regarding augmenting the allocation process for OU2 of the Site.

Please note that EPA does have funds available that may be used to augment the allocation. Therefore, it is premature for the parties in the allocation to set aside funds or to begin funding any augmentation effort.

Sincerely,

Juan M. Fajardo
Assistant Regional Counsel

cc: David Batson, Esq., AlterEcho
Mary Apostolico, CSRA
Kathryn Barton, EPA